

MINUTES
COMMITTEE ON STORMWATER/CSO
WEDNESDAY, SEPTEMBER 2, 1998 – 11:30 A.M.
TENTH FLOOR CONFERENCE ROOM
LANSING CITY HALL

Call To Order

The meeting was called to order at 11:35 a.m. by Councilmember Leeman

Roll Call

Councilmember Harold Leeman, Chair
Councilmember Lou Adado, Vice Chair
Councilmember Michael Murphy, Member

Others Present

Michael Navabi, Director, Public Service Department
Chad Gamble, Public Service Engineer
Bob Rose, Public Service Engineer
Helen Fiser, Appealant
Thomas Hernley, Appellant
Flora Boles, Reachout Christian Center
David Foreman, Reachout Christian Center
Jack Jordan, Law Department
Ron Wilson, Council Staff
Tina Gallante, Council Staff

Approval of Minutes

COUNCILMEMBER ADADO MOVED TO APPROVE THE MINUTES OF THE AUGUST 26, 1998, MEETING AS SUBMITTED. MOTION CARRIED 3-0.

Public Comment on Agenda Items

Mr. Gamble passed out the Administrative Rules for Granting Appeals.

DISCUSSION/ACTION

Appeal of Alexander Bolt

Will be placed on the Council agenda for September 14, 1998.

Appeal of Louis and George Eyde

Mr. Cunningham requested the Eyde's claim be held in abeyance until a decision from the Supreme Court is reached and if not that then a minimum of 10 days be allowed for them to appropriately be ready for the hearing.

Councilmember Adado questioned how much more time the Eyde's needed to make a case seeing as they are discussing the 1995 fees and have already had over two years to prepare their case.

Mr. Gamble pointed out the main reason for the Eyde's appeals was tax issue and commented there are no engineering matters that could make a different determination. There was only one concern relative to one of the properties that questioned the EHA calculation.

Councilmember Adado confirmed there is not one piece of property that would apply to the credit criteria. Mr. Gamble indicated that would be correct. The properties are a mix of commercial and residential properties.

Councilmember Leeman indicated the Committee has gone on record to support denying any appeal that is based on the tax issue. Mr. Jordan confirmed that we do have approval that this is a fee and the Supreme Court Case will be heard in October and a decision rendered some time at the beginning of next year.

Councilmember Murphy confirmed with Mr. Gamble that none of these properties apply to any credit criteria.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE APPEALS FILED BY LOUIS AND GEORGE EYDE. MOTION CARRIED 3-0.

To be placed on the Council agenda for September 14, 1998.

Mr. Cunningham made it clear that there is a second issue raised besides the tax issue and would like a 10-day period to prepare the case. He would request be entitled to proceed on the second basis.

Mr. Jordan commented that the Eyde's should have their opportunity to hear their side. Councilmember Adado agreed that we could hear their side; however, this is a 1995 appeal and two years is plenty of time. Also, each one of these properties is served by the City's system, there are definitions of credit that have been established for special properties. He feels the Eydes have had plenty of time to prepare their case.

Mr. Cunningham responded to the time frame that he did not feel it was prudent to spend time on this case as it was being held in abeyance until the Court issue took place.

Appeal of Thomas Hernly

Mr. Gamble submitted a report on how the department has been addressing Mr. Hernleys credit. Mr. Hernly based his appeal on the fact that the project was built as a separation project in 1975. At no time was current city staff aware of a project. There are 191 properties that were involved in this separation in 1975. The assessment was paid over a 10-year period.

The Administration recommends to address this issue and treat roll 252, which has been paid off, as a current special assessment project and this way they could apply the stormwater special assessment credit procedure to the payments made by the property owners which were part of roll 252.

Mr. Hernley indicated that any letter every received by him indicated the credit could be retro to 1995. When he paid the assessment in 1975, the value of the dollar today is trivial now.

Mr. Gamble reviewed the payments made by Mr. Hernley. He does understand Mr. Hernly's point of the value of the dollar but they City is paying him in 1998 dollars. The department would not recommend that any interest paid to Mr. Hernley but could certainly work out what the Committee requests.

Councilmember Adado questioned if anyone else on this street appealed. Mr. Gamble reported in 1996 and 1997 only. Councilmember Adado commented he feels this is a pretty good solution.

Mr. Hernly commented this is a separation project and the extension of service issue was a couple of storm sewers where there were not any storm sewers and probably 97 percent of the project back then was to separate the system.

Mr. Gamble commented that this project was billed as a separation project. The recommendation from 6 months ago for a full credit would not treat them as fairly as the rest of the City. In trying to develop this area special they went to the extent to develop this way of handling it.

Councilmember Leeman commented that the department has brought up a very good solution and will be support the department's recommendation.

COUNCILMEMER ADADO MOVED TO CONCUR IN THE DEPARTMENT'S RECOMMENDATION. MOTION CARRIED 3-0.

Appeal of Reachout Christian Center Church

Councilmember Murphy commented his position on churches and schools is that they be excluded from this fee. He has worked with the Lansing School District and other churches relative to this matter. He would refrain from voting on this matter due to his position and involvement.

Mr. Jordan stated that this is a fee and not a tax and applies to non-profits, churches, and schools and the Catholic Churches have paid their fee.

Mr. Gamble referred to the appeal filed by the Reachout Christian Center, three properties. They have all been combined into one parcel. All three are residential. Total amount of their fees is \$10,999.70 for their 1995 Stormwater Bill. The properties were calculated similar to those on a commercial line. They appealed their properties on the basis of tax and as an undue burden to their church. They did not appeal their 1996 or 1997 fee.

Mr. Foreman also brought up the issue of the retention pond the City requested they construct. Most of the water goes into those retention ponds. Mr. Gamble commented those are detention ponds and the water was directed to these detention ponds and this water is then led to the City's system.

Councilmember Adado requested this matter be placed on pending until it is found that the detention pond could place them into credit criteria and to present a finding in three weeks.

Mr. Jordan commented this ordinance was drafted to put delinquent stormwater fees on the record. This is in the ordinance book, Section 1052. This is similar to a cut grass violation. The fee has been turned over and placed on the tax roll. Mr. Foreman indicated they are non-taxable and how could they be taxed if they are tax exempt.

Mr. Gamble indicated one of the ways the City enforces the ordinance, is the City will attach this fee to your tax bill if not paid. It is simply a way to collect the money.

Pending.

Councilmember Adado questioned how many acres this property is. Mr. Foreman responded it is 66 acres. There is a dream and a vision the church wants to do with the property.

Response to Questions Regarding CSO Project Phase II Segment

Mr. Navabi indicated this was his letter he sent to Mr. Emmons and he was satisfied with the response.

Received and placed on file.

Executive Session

Removed and referred to Ways and Means.

ADJOURN

The meeting was adjourned at 12:45 p.m.

Respectfully Submitted

Tina M. Gallante
Administrative Secretary
Lansing City Council

Approved by the Committee.

Signed by:


Harold Leeman, Chair

Appropriate documents attached to original set of minutes.